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November 15, 2016

VIA ECF
Hon. George B. Daniels
United States District Court Judge
Southern District of New York
500 Pearl Street, Room 1310
New York, New York 10007

Re: *Disney Enterprises, Inc., et al. v. Avi Lieberman, et al.*, 1:16-cv-02340-GBD
Request For Pre-Motion Discovery Conference

Dear Judge Daniels:

We represent Defendants in the above referenced action. We write in opposition to Plaintiffs' letter requesting a pre-motion conference for a motion to compel, which would be premature at this time. Defendants are producing available documents this week. In this connection, we have learned that Defendants efforts to gather documents have been hampered by a fatal computer hard drive crash that occurred prior to the commencement of this litigation. Defendant's company is also a very small company that is being sued by large Plaintiffs claiming a broad monopoly over the character theme party industry. As Plaintiffs' letter confirms, Mr. Sarelli runs Characters For Hire LLC and is the sole individual responsible for providing discovery responses to Plaintiffs' requests (while running a small business). Notwithstanding Plaintiff's overreaching trademark and copyright claims in this action (which we believe will ultimately result in a finding of non-infringement), Defendants are working diligently to gather and produce relevant, responsive documents.

It should also be noted that Defendants timely responded and objected to Plaintiffs' Requests, which included over 200 Requests to Admit, and Defendants are now reviewing over 9,000 single page Tiff files produced by Plaintiffs (of largely irrelevant and non-responsive documents) in response to Defendants' discovery requests, and Defendants will be contacting Plaintiffs shortly concerning the deficiencies in their discovery responses (e.g., Plaintiffs have refused to produce licensing agreements, if any, that they have entered into related to character theme parties, which go to the very heart of this case).

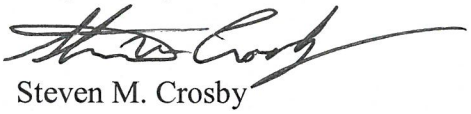
As Plaintiffs are aware, there is a status conference already scheduled for December 8, 2016. Defendants respectfully submit that the parties' respective discovery issues (to the extent they remain unresolved) can be addressed at that time.

We would, however, like to apologize to the Court and to Plaintiffs for any inconvenience caused by my not getting back to Plaintiffs last week. I was diagnosed with spinal stenosis this month and have been on my back off and on for much of that time with a pinched spinal cord. Apparently, the condition was aggravated by extensive travel back and forth to Washington, DC in the weeks leading up to our oral arguments on October 31, 2016 before the Supreme Court in the *Star Athletica LLC v. Varsity Brands, Inc. et al* matter.

Finally, we categorically deny the allegations in the purported Yelp comment, which is hearsay having no evidentiary value whatsoever in this case. Upon receiving Plaintiffs' letter directing the Court's attention to this comment we immediately investigated and found no such comment today (See https://www.yelp.com/biz/characters-for-hire-new-york). This leads us to believe that whoever posted this comment, say a disgruntled former employee, or perhaps Plaintiffs themselves, had second thoughts and deleted the post.

Therefore, Defendants respectfully request that any discussion with the Court involving the possible need for cross-motions to compel be deferred until the December 8, 2016 conference.

Respectfully submitted,



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